

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES,

Plaintiff,

vs.

OREN SNOWDEN,

Defendant.

2:18-cr-00018-RCJ-GWF

ORDER

Defendant moves for compassionate release under 18 U.S.C. § 3582(c)(1)(A). He argues his risk of contracting COVID-19 while incarcerated in conjunction with his diagnoses of type 1 diabetes and stage 3 kidney disease presents an extraordinary and compelling reason justifying his release. (ECF No. 65.)¹ The Government opposes this motion. (ECF No. 67.) The Court finds that Defendant's circumstances are not extraordinary and compelling and thus denies the motion.

A district court may not generally "modify a term of imprisonment once it has been imposed." 18 U.S.C. § 3582(c). One exception to this rule is that a court may grant a reduction to a term of imprisonment based upon "extraordinary and compelling reasons" if such a reduction is consistent with the factors set forth in 18 U.S.C. § 3553(a) and the defendant "is not a not a danger

¹ Defendant also moves to seal his medical records. (ECF No. 66.) The Court grants this motion.

1 to the safety of any other person or the community, as provided under [18 U.S.C. §] 3142(g).”
2 § 3582(c)(1)(A).

3 The Court does not find extraordinary and compelling circumstances here because
4 Defendant has been offered and has refused to take a COVID-19 vaccine. (ECF No. 67-3 at 48 of
5 142.) This Court agrees with the majority of other courts in holding one cannot reasonably expect
6 that “prolonging his risk by declining vaccination will be rewarded with a sentence reduction.”
7 *United States v. Lohmeier*, No. 12 CR 1005, 2021 WL 365773, at *2 (N.D. Ill. Feb. 3, 2021); *see*,
8 *e.g.*, *United States v. King*, 2021 WL 736422, at *2 (S.D.N.Y. Feb. 24, 2021); *United States v.*
9 *McBride*, 2021 WL 354129, at *3 (W.D.N.C. Feb. 2, 2021). As such, this Court must deny this
10 motion.

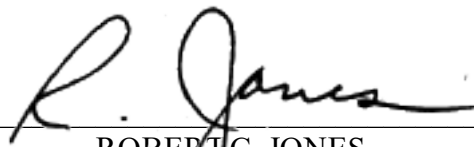
11 **CONCLUSION**

12 IT IS HEREBY ORDERED that Motion for Compassionate Release (ECF No. 65) is
13 DENIED.

14 IT IS FURTHER ORDERED that Motion to Seal (ECF No. 66) is GRANTED.

15 IT IS SO ORDERED.

16 Dated November 8, 2021.

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19 ROBERT C. JONES
United States District Judge
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